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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,616	02/12/2001	Iwao Hatanaka	[CHA9-99-015]	9505
7590 11/23/2004			EXAMINER	
MICHAEL HOFFMAN			LIEN, TAN	
HOFFMAN WARNICK & D'ALESSANDRO LLP			ART UNIT	
2 E COMM SQUARE			PAPER NUMBER	
ALBANY, NY 12207			2141	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/781,616	<b>Applicant(s)</b> HATANAKA, IWA0	
	<b>Examiner</b> Tan Lien	<b>Art Unit</b> 2141	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claims 1-11 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 10-11 rejected under 35 U.S.C. 102(b) as being anticipated by Chmielewski et al (US Patent 5,946,465).

Claim(s) 1, 5, 10: Chmielewski discloses a system for managing the use of resources in a system where a remote client uses resources at a server for a limited duration, the system comprising:

a stored listing of at least one resources being used at the server and the remote client using that resource (col. 1, lines 26-41; wherein telnet session use

resources and the fact that the telnet server can handle a plurality of telnet clients is an indication that the telnet server can manage a listing of resources that belong to the associated telnet clients);

a system which identifies that a remote client is no longer using resources at the server (col. 4, lines 21-27), including determining whether the resources have been held by the remote client without activity for a period longer than a preset threshold (col. 2, lines 6-16; wherein the preset threshold period is the WAIT time and if it doesn't respond to the TIMING MARK within the WAIT time period the system will release resources); and

in response to the system identifying that the remote client is no longer using resources at the server, a mechanism which removes the resources which had been used by the remote client when the remote client was connected to the server, whereby the resources being used by the remote client may be used by other clients after the remote client has disconnected from the server (FIG. 4 and col. 4, lines 32-42).

Claim(s) 2, 6, 11: Chmielewski discloses a system for managing the use of resources in a system including the elements of Claim 1 wherein

the system which identifies that the remote client is no longer using a resource at the server includes a mechanism for determining that the remote client is no

longer connected (FIG. 4 shows a mechanism for determining whether the telnet client is still connected to the server and the mechanism will release system resources if disconnected) to the server through a data transmission network (col. 2 lines 65-67 thru col. 3 lines 1-6 and FIG. 2 shows that it is an IP network).

Claim(s) 3: Chmielewski discloses a system for managing the use of resources in a system including the elements of Claim 1 wherein the system which identifies that the remote client is no longer using a resource at the server includes

a system for determining that the program which uses the resource has terminated (col. 2, lines 6-16; wherein the program which uses the resource is the telnet application. The telnet application will terminate when the session is disconnected).

Claim(s) 4, 7: Chmielewski discloses a system for managing the use of a resource in a system including the elements of Claim 1 wherein

the server maintains a listing of each of the clients using a resource associated with the server and the resources which are used by the respective client (col. 1, lines 26-41; wherein telnet session use resources and the fact that the telnet server can handle a plurality of telnet clients is an indication that the telnet server can manage a listing of resources that belong to the associated telnet clients. The telnet server periodically sends a timing mark to the client {col. 1, line 30} is evident enough that the telnet server is able to keep track of and maintain clients,

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and if there is a way of calculating the wait time for each client, then there is a way of keeping a listing of the clients and associate the wait time to the respective client).

Claim(s) 9 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al (US patent 6,539,481 B1), hereinafter referred to as Takahashi.

Claim(s) 9: Takahashi discloses a method of controlling use of a resource at a server by a client, the steps of the method comprising:

when a client requests use of a resource at a server, entering the identity of the client, the resource and the time into a listing of resources used. (FIG. 4, ref. 411, ref. 413, ref. 415, and ref. 416; wherein the identity of the client is in the form of UID and/or user name, the resource used is the space created for the user in the 'home directory', and the time is the 'use period');

when a client subsequently uses the resource, entering the time of last use of the resource into the resources used listing (FIG. 4, ref. 417; wherein the time of last use is entered in the column referenced by ref. 417);

permitting a client to control a resource while the client is connected and using the resource (col. 6, lines 20-44; wherein when the user enters one's password

and gets validated, the system permits the user to use the resources in the secure area of the home directory); and

determining whether a client has been using a resource within a predetermined period of time and, if not, releasing the resource (FIG. 4, ref. 416 and col. 6, lines 57-63; wherein the predetermined period of time is the 'use period' and if it exceeds the 'use period' or the 'use period' expires, the system releases the resources for other user's use).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim(s) 8 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Chmielewski in view of Takahashi.

Claim(s) 8: Chmielewski discloses a method of controlling the use of resources at a server by a client including the steps of Claim 5. Chmielewski further discloses a

method that includes the step of maintaining a list of resources being used by a client but fails to disclose the method that includes the step of

maintaining a record of the time when the use of the resource started and the time when the resource was last used and using the record of at least one of the times to determine whether to release the resource.

Takahashi, however, discloses a computer resource management method that uses a list of clients and associates clients to the “use period” and “last used date” (col. 6, lines 57-63 of Takahashi). The “use period” will determine when the client have started using the resource and also when it will end so that the system can release it back for other clients’ use. The “last used date” will determine when the resource was last used. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Chmielewski’s method with Takahaski’s method to produce the applicant’s method of controlling the use of resources. The reason why Chmielewski would want to include the use of started resource time and last used time is because Chmielewski wants to manage the system resources effectively by reclaiming resources if the client’s “use period” expires and reusing resources if the client ever connects back (col. 7, lines 1-22).



***Response to Arguments***

Applicant's arguments filed 8/19/2004 have been fully considered but they are not persuasive.

In the Remarks, Applicant argued in substance that

(a) the "listing" claimed in claim 4 contains additional features to the "listing" claimed in claim 1 and may not be the same "listing" as claimed in claim 1.

As to point (a), The Examiner withdraws the objection.

(b) the claims 1-7 and 10-11 were rejected under 35 USC 102(e) as anticipated by Chmielewski et al (US Patent 5,946,465).

As to point (b), claims 1-7 and 10-11 were rejected under 35 USC 102(b) as anticipated by Chmielewski.

(c) with regarding to claim 1, 5, and 10, the feature "determining whether the resources have been held by the remote client without activity for a period longer than a preset threshold" is not disclosed in Chmielewski.

As to point (c), the feature is disclosed in Chmielewski (col. 2, lines 6-16; wherein the preset threshold period is the WAIT time and if it doesn't respond to the TIMING MARK within the WAIT time period the system will release resources). The Examiner admits that the features in claim 8, which is the list maintaining a record of time and other features, are not disclosed, not the "determining whether

the resources have been held by the remote client without activity for a period longer than a preset threshold” feature amended by the Applicant.

(d) Takahashi et al do not disclose “if not, releasing the resource.”

As to point (d), Takahashi does disclose “if not, releasing the resource” (col. 6, lines 57-63 and col. 8, lines 16-35 as the Applicant pointed out). It even gives the examples of predetermined time in the example. The predetermined time or use period can be 30 days or 60 days depending on the group ID in this example (col. 6, lines 57-63). In the case where the use period expires (col. 8, lines 16-35) and the user chooses to prolong the use period for an additional 10 days or 60 days, the prolong use period is still within predetermined period of time as claimed in claim 9. Now, in the “if not, releasing the resource” case where the use period expires and the user does not extend the use period, the predetermined period of time is the time the user registered the account through the time the account is expired and the user finishes using the system, in which case the system has determined that it is no longer within the predetermined time and releases resources. The predetermined time or use period can depend on the group ID and it can also depend on other situations such as extension time in expiration cases. There is no indication in the limitation that the predetermined period has to be a constant value. The scope of the claim is broad enough that the Examiner's reference can be applied.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Lien whose telephone number is (703) 305-6018. The examiner can normally be reached on Monday-Thursday from 8:30am to 6pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for this Group is (703) 305-3718.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [tan.lien@uspto.gov].

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All Internet e-mail communications will be made of record in the application file.

PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



**RUPAL DHARIA**  
SUPERVISORY PATENT EXAMINER